

MINUTES



REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD, Council Chambers

Thursday, September 28, 2000, 7:30 PM,
777 "B" street, Hayward, CA 94541

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Caveglia, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bennett, Bogue, Fish, Halliday, Sacks, Williams, Zermeño
CHAIRPERSON Caveglia
Absent: COMMISSIONER None

Staff Members Present: Anderly, Bascom, Camire, Conneely, Looney, Patenaude

General Public Present: Approximately 15

PUBLIC COMMENT

There were no public comments.

AGENDA

Item 5 was removed from the Agenda at the request of the applicant.

1. **Site Plan Review 00-130-21 – City of Hayward (Applicant/Owner): Review of the Design** of the 25-Acre Mt. Eden Sports Park That Is Part of the “South of 92” Development
2. **Use Permit No. 00-160-07 – Contra Costa Day Activities Center, Inc. (Applicant)/Bill Rasnick (Owner):** Request to Allow a Vocational Training Center for Developmentally Disabled Adults - The Property Is Located at 22885 Amador Street, West Side, in a CO (Commercial Office) District and a RS (Single-Family Residential) District
3. **Variance 00-180-14 – Carlos Arias (Owner/Applicant):** Request for a Variance to Build a 320 Square-Foot Shed 3 Feet From the Side and Rear Property Lines, Where a 5-Foot Setback is Required - The Property Is Located at 29225 Vagabond Lane in a RS (Single-Family Residential) Zoning District
4. **Use Permit Application No. 00-160-15 – Daniel Burris for Turf Club (Applicant) / John Brenkwitz (Owner):** Request to Operate a Nightclub (Relocated from 22517 Mission Boulevard) - The Project Location Is 22519 Main Street, Between A & B Streets in the Central City – Plaza/Commercial (CC-P/C) Subdistricts
5. **Variance No. 00-180-10 and Use Permit Application No. 00-160-12 (amendment to UP 98-160-16) -- Alan Ford (Applicant) / Robert Rao, Corporate Mstors (Owner) --** Request for a Variance to Erect a 18’6” High Monument Sign with Approximately 93 Square Feet Per

DRAFT

Face Where a Maximum Height of 12 Feet with 50 Square Feet Per Face is Permitted - The Property Is Located at 25891 Mission Boulevard in a CG SD-2 (General Commercial) District with a Special Design Overlay.

PUBLIC HEARINGS

1. Site Plan Review 00-130-21 – City of Hayward (Applicant/Owner): Review of the Design of the 25-Acre Mt. Eden Sports Park That Is Part of the “South of 92” Development

Associate Planner Camire introduced the item, describing it as a 25-acre Sports Park to provide a variety of recreational opportunities not found in the area. The Park will be granted to the City and HARD will undertake its operation and maintenance. It will include baseball and soccer fields, basketball courts, and other lighted game courts, for informal and league activities. There will also be a concession building, restrooms and shade structures, parking and perimeter bicycle path that links to the Bay Trail. The site plan is only for a review of the park design and not for the buildings, which will require site plan review at a later date.

Commissioner Fish asked more specifically about the drainage, Condition 19.

Chairperson Caveglia asked why the fields were softball fields rather than baseball.

Eric Willyerd, spokesperson for HARD, indicated that the plan had always been for softball rather than baseball.

Commissioner Halliday asked about access to the tennis courts within the housing development,

Mr. Willyerd said they would be built by the developer and run by HARD. He added in response to further questions that the tennis courts run by HARD vary in use depending on location.

The public hearing was opened at 7:39 p.m.

Kenneth Harmeyer, 23845 Ida Lane, asked about Bocce ball courts. Mr. Willyerd responded that there are two courts at the Silver Star Veterans Park.

The public hearing was closed at 7:40 p.m.

Commissioner Fish **moved**, seconded by Commissioner Zermeno, to approve the staff recommendation. The **motion passed unanimously**.

2. Use Permit No. 00-160-07 – Contra Costa Day Activities Center, Inc. (Applicant)/Bill Rasnick (Owner): Request to Allow a Vocational Training Center for Developmentally Disabled Adults - The Property Is Located at 22885 Amador Street, West Side, in a CO (Commercial Office) District and a RS (Single-Family Residential) District.

Associate Planner Camire presented the proposal, indicating that the site was once the Select



Foods offices. Staff asked for a condition to have the front fence moved back or removed. Because of vandalism, the applicant does not want the fence to be removed. She stated that landscaping behind the fence would be maintained by students at the facility. In addition, City staff is asking for a wall to be constructed adjacent to the residential properties to replace the fence, She commented that the applicants do not want it. If the rear parking lot is not used for loading, staff is asking for it to be closed. The side parking lot will be used. Redevelopment staff is asking for a 5-year permit only because it is adjacent to the expanded Redevelopment area and Cannery project boundary, and there is any number of things that might be projected for the property.

Planning Manager Anderly commented that the 5-year time limit would coincide with other uses in the area as well.

Commissioner Williams asked about the traffic generated by transporting 70 students to the site. He was told that the proposal is for all students to travel by van.

Commissioner Sacks asked about the fencing and the need for a variance. Planning Manager Anderly explained that a variance would be necessary since the fence is in the front of the site and would need an exemption from the height limit.

Commissioner Sacks also asked about the vandalism in the area. She suggested they might need the fence because of the problems.

Associate Planner Camire suggested the property might not be as attractive to vandals when it is occupied.

Commissioner Halliday asked whether the 5-year requirement was acceptable to the applicant. She was told it was.

The public hearing was opened at 7:54 p.m.

Timothy Spooner, 7 Mt. Lassen Drive, Suite A252, San Rafael, Director of the program, explained to members the problems they have at the site with vandalism and dumping already. He asked for consideration of several of the conditions. We explained that once they are in the building they will try to maintain a higher standard than the general neighborhood. He suggested that, since they are a non-profit and will only have a 5-year permit, they be given more leeway on some of the conditions. He provided a letter in response to those conditions they felt were most onerous. He indicated that they wanted to use landscaping and maintenance of the property as part of the curriculum for the students attending the Center.

Commissioner Halliday suggested they do some fence maintenance in both the back and the front. She also asked whether they might not need to consider other sources of income as well as the State.

Commissioner Zermeño asked for further information on the lighting. He suggested it might be a liability to have none.

Mr. Spooner said the Center is not open during the evening. He added that they have three other sites which can be used for staff training or evening hours.

Chairperson Caveglia wished them luck saying this is an excellent spot for youth and the site has a great deal of potential.

Kenneth Harmeyer, 23845 Ida Lane, presented a proposal for a number of changes in the traffic patterns in the area. He suggested that the City designate an area specifically for vans. He then listed the need for a stop sign on the corner of Santa Clara and Amador. He indicated his approval of the Center. He said it is a wonderful concept for the area.

Ken Price, 24810 Willimet Way, said his questions had been answered by Mr. Spooner. He said he was misinformed.

Bill Rasnick, Select Foods, 22600 Amador Street, owner of the property, said there are lights on top of the building. He noted that the fence around the building had approval from the City. He mentioned that their building across the street has a serious graffiti problem as well. He also commented on the drug sales in the area. He added that the fence is there for a purpose.

The public hearing closed at 8:30 p.m.

Commissioner Bogue noted that the decorative fence is in need of repair. He said he noticed that the fence protects the landscaping. He suggested that either the fence stays or the landscape needs to be improved.

Commissioner Fish said this is a good use for the property. He moved, seconded by Commissioner Williams, the staff recommendation with the following changes: the elimination of Conditions 9 and 10. Amend 11 to add, "The chain link fence *shall* be *repaired* and all barbed wire shall be removed *and the area landscaped.*" Condition 12 to read, "The 8-foot-high wrought-iron fence located at the property line in the front and side yards shall be *repaired and painted.*" Condition 13, Eliminate the first sentence and amend as follows: "*Exterior* lighting shall be *repaired and adjusted as well* as designed to reflect.. ." Condition 21 to be eliminated and replaced with, "*CCDAC will work with the City Engineer to address the on-site parking lot repair needs.*"

Commissioner Bogue asked him to reconsider Condition 10 regarding the trees for the parking lot.

Commissioner Fish said the lease was too short for the costly addition of these trees.

Commissioner Halliday asked for reconsideration on Condition 1 I. She asked that the motion include repairing the fence in the rear and landscaping the area around it. She added that she would support the motion since she is very aware of how tight funding is for non-profit groups.



She then suggested the applicant apply for City Block grant funding if they need more money.

Commissioner Zermeño suggested they get rid of the 15-gallon trees but leave trees in Condition 10.

Commissioner Sacks said she did not see the need for more trees in the parking lot since it can't be seen from the street. It is a narrow lot and the expenditure would be incredible. She added that she was delighted that Commissioner Fish amended the motion as he had.

Commissioner Williams said he was happy to work with the applicant regarding the site. He suggested the applicant maintain contact with City staff on any problems that arise.

Commissioner Bogue asked about a loading zone for vans at the site. He was told the applicant should submit a request to the City Transportation Manager.

The applicant noted that the vans will come and go from the site at different times. The clients arrival times are staggered relative to the distance they travel.

The motion **passed unanimously**.

3. Variance 00-180-14 – Carlos Arias (Owner/Applicant): Request for a Variance to Build a 320 Square-Foot Shed 3 Feet From the Side and Rear Property Lines, Where a 5-Foot Setback is Required - The Property Is Located at 29225 Vagabond Lane in a RS (Single-Family Residential) Zoning District

Assistant Planner Bascom described the property and stated staff recommended denying the variance. She noted that a smaller shed would be acceptable on the property and no variance would be needed.

Commissioner Sacks excused herself from the discussion after noting how close she lived to the property.

The public hearing opened at 8:51 p.m.

Carlos Arias, 29225 Vagabond Lane, applicant said the home would be cleaner if they could build this storage shed. He added that the shed had not been purchased but had been selected for the site.

The public hearing closed at 8:54 p.m.

Commissioner Halliday said she visited the site. She complimented the family on the garden. She, then, **moved to deny** the variance. The motion was seconded by Commissioner Zermeño.

Commissioner Fish said Hayward used to allow buildings next to the property line in these situations. He said with a school in the rear and all the space, there would be no sense of crowding.

Commissioner Zermeno agreed that without a private home in the rear, the neighbors would not be inconvenienced. He then suggested the applicant would have the option of buying a smaller shed.

Commissioner Williams added that consistency is important. Approving this variance would grant a special privilege when it is not necessary.

The motion to deny the variance passed by the following vote:

AYES:	COMMISSIONERS Bogue, Halliday, Williams, Zermeno
NOES:	COMMISSIONER Fish CHAIRPERSON Caveglia
ABSENT:	None
ABSTAIN:	Sacks

4. Use Permit Application No. 00-160-15 – Daniel Burris for *Turf Club* (Applicant) I John Brenkwitz (Owner): Request to Operate a Nightclub (Relocated from 22517 Mission Boulevard) - The Project Location Is 22519 Main Street, Between A & B Streets in the Central City – Plaza/Commercial (CC-P/C) Subdistricts

Associate Planner Patenaude described the proposal and the need for the move with Albertson's going into the present location. He noted the conditions of approval and said staff recommended approving the application and finding the project exempt from CEQA.

Commissioner Fish excused himself from the hearing saying he had a conflict.

Commissioner Zermeno asked about the use of the second floor. He was told it would not be used and was not included in the plans. Associate Planner Patenaude then described future plans to build an outdoor patio toward the rear of the building.

Commissioner Williams asked about Hayward Police Reports on the business. He was told that they had no objection to the move.

Associate Planner Patenaude said that COMPRE had been contacted as well and they were in approval of the relocation. He then noted that this would not be a new license for the area but a transfer so there would be no increase in the number of liquor licenses in the area.

Commissioner Sacks asked to discuss further the second floor. She was told it is presently vacant but looks like a residential area though it would take some work to make it liveable.

Commissioner Bogue asked why staff was certain the second floor was not going to be used since it is all part of the building and accessed from the nightclub area.

**REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD, Council
Chambers****Thursday, September 28, 2000, 7:30 P.M.
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The public hearing opened at 9: 10 p.m.

Dave Barker, 225 17 Mission Boulevard, applicant said the site meets most of the City's requirements. He noted that the only drawback is that there is no patio area as of yet. At best, the second floor would be used for office space. In response to Commissioner Williams question regarding security guards, Mr. Barker noted that they always have a guard on site on Fridays and Saturdays as well as Sunday when a special event is scheduled.

Commissioner Sacks complimented Mr. Barker on their work with COMPRE and the **employee** training program. She noted this is excellent.

Thea Perrino, 206 Chumalia Street, San Leandro, representing COMPRE said they support the application and conditions. She called attention to the employee training part of their program and noted it should be repeated every two years. She added her applause to Planning Manager Anderly and the Hayward Police Department's efforts in supporting their program.

Commissioner Halliday said she appreciated the job COMPRE is doing and for attending the hearings.

The public hearing closed at 9: 19 p.m.

Commissioner Williams **moved**, seconded by Commissioner Bogue to approve the staff recommendation with the addition of a condition *that the second floor be accessed for use only by the applicant for office space or inventory only.*

Chairperson Caveglia noted that he would not vote to support the motion since he does not believe that bars are desirable for the public convenience and welfare. He added that he is always astounded by the hypocrisy of what drugs we are willing to accept and promote.

The motion **passed** by the following vote:

AYES:	COMMISSIONERS Bogue, Fish, Halliday, Sacks, Williams, Zermeno
NOES:	CHAIRPERSON Caveglia
ABSENT:	None
ABSTAIN:	Fish

5. Variance No. 00-180-10 and Use Permit Application No. 00-160-12 (amendment to UP 98-160-16) -- Alan Ford (Applicant) / Robert Rao, Corporate Motors (Owner) -- Request for a Variance to Erect a 18'6" High Monument Sign with Approximately 93 Square Feet Per

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This application was withdrawn by the applicant.

ADDITIONAL MATTERS

6. Oral Report on Planning and Zoning Matters

Planning Manager Anderly announced that the next meeting will be on October 12. She added that she would keep members apprised of upcoming Redevelopment and General Plan meeting dates.

7. Commissioners' Announcements, Referrals

Commissioner Fish mentioned his comments at the last meeting about landscaping at the Mosque on Mission. He noted that the next day, work began on the landscaping plan. He thanked staff for their due diligence.

MINUTES

- September 14, 2000 - Commissioner Sacks asked for the Minutes to be removed and reconsidered at the next meeting after correction of an error.

ADJOURNMENT

The meeting was adjourned by Chairperson Caveglia at 9:26 p.m.

APPROVED:

Ed Bogue, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary